

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

MARTIN O'DONNELL, an individual,

Plaintiff,

V.

HAROLD RYAN, an individual,

Defendant.

No.

**COMPLAINT FOR DOUBLE
DAMAGES PURSUANT TO
RCW 49.52.070**

Pursuant to RCW 49.52.070, Plaintiff Martin O’Donnell (“O’Donnell”), through his undersigned lawyers, brings this action for double damages against Defendant Harold Ryan (“Ryan”) as follows:

PARTIES AND JURISDICTION

1. O'Donnell is a resident and domiciliary of Mukilteo, Washington.
2. On information and belief, Ryan is a resident and domiciliary of Bellevue, Washington. Ryan is the President of Bungie, Inc. ("Bungie" or the "Company").
3. The Court has jurisdiction over this matter pursuant to RCW 2.08.010, RCW 4.28.020, and RCW 49.52.070.
4. Venue is proper in this Court under RCW 4.12.020.

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FACTS

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3 5. O'Donnell is a music composer who is known for, among other things, his
4 iconic work on a number of the most successful and culturally important video game
5 franchises in history, including *Halo*, which has realized gross sales to date of
6 approximately \$3.4 billion.

7 6. In May of 2000, O'Donnell agreed to become full time Audio Director of
8 the group that later became Bungie, LLC ("Bungie"). Bungie produced the *Halo*
9 franchise and later became Bungie, Inc.

10 7. On April 11, 2014, Bungie purported to terminate O'Donnell's
11 employment as Audio Director "without cause." Bungie and Ryan gave O'Donnell no
12 explanation for their decision.

13 8. Bungie has a policy, pattern and practice of paying its employees accrued
14 but unused vacation, paid time off, sabbatical time, and other benefits, and both Ryan and
15 Bungie acknowledged O'Donnell's entitlement to such benefits and promised to pay
16 them.

17 9. Applicable law requires that the referenced benefits be paid to O'Donnell.

18 10. Ryan has caused Bungie to violate applicable law and the Company's
19 policies and practices regarding payment of O'Donnell's accrued but unpaid vacation
20 time, paid time off, sabbatical time, and other benefits.

21 11. Separate and apart from the conduct alleged herein, O'Donnell has separate
22 grievances against Bungie and Ryan that are being pursued in arbitration. If it is
23 determined that the claims O'Donnell asserts against Ryan in arbitration are not subject to
24 arbitration, then O'Donnell reserves the right to amend this Complaint to include those
25 additional claims in this action.

CAUSE OF ACTION
VIOLATION OF RCW 49.52.070

12. O'Donnell incorporates and reasserts all preceding paragraphs as if set forth herein.

13. Ryan is an officer, vice principal or agent of Bungie under RCW
49.52.050.

14. The accrued but unused vacation time, paid time off, sabbatical time, and other benefits due and owing to O'Donnell constitute wages under RCW 49.52, *et seq.*

15. Bungie is obligated to pay those wages to O'Donnell.

16. Ryan has willfully and intentionally caused Bungie to deprive O'Donnell of accrued but unused vacation time, paid time off, sabbatical time, and other benefits.

17. O'Donnell has not knowingly submitted to Bungie's and Ryan's wrongful conduct.

18. Pursuant to RCW 49.52.070, Ryan is liable for twice the amount of the withheld wages, together with costs of suit and a reasonable sum of attorney's fees.

PRAYER FOR RELIEF

WHEREFORE, O'Donnell prays for the following relief:

A. For an award of double damages pursuant to RCW 49.52.070 in amounts to be proven at trial;

B. For an award of O'Donnell's attorney's fees and costs incurred to the extent allowed by applicable law, including under RCW 49.52.070;

C. For an award of pre-judgment and post-judgment interest at the highest rate allowable by law until paid in full; and

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D. For such other and further relief as the Court deems just and equitable.
DATED this 1st day of May, 2014.

McNAUL EBEL NAWROT & HELGREN PLLC

By: s/ Timothy B. Fitzgerald
Timothy B. Fitzgerald, WSBA No. 45103
Attorney for Plaintiff

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